



LOCAL PLANNING AGENCY MEETING

MEETING DATE: MONDAY, JANUARY 8, 2018 AT 7:45 PM COMMISSION CHAMBERS, 500 SW 109 AVENUE
DECORUM

Sec. 2-55. - Manner of addressing commission; time limit.

Each person addressing the city commission shall step up in front of the rail, give his name and address in an audible tone of voice for the records, and unless further time is granted by the city commission, shall limit his address to three minutes. All remarks shall be addressed to the city commission as a body and not to any member thereof. No person, other than the members of the city commission and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the city commission, without the permission of the presiding officer. No question shall be asked a commission member except through the presiding officer.

Sec. 2-57. - Decorum generally.

(a) By commission members. While the city commission is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the city commission nor disturb any member while speaking or refuse to obey the orders of the city commission or its presiding officer, except as otherwise provided in this division.

(b) By other persons. Any person making personal, impertinent or slanderous remarks or who shall become boisterous while addressing the city commission shall be forthwith barred by the presiding officer from further audience before the city commission, unless permission to continue is granted by a majority vote of the city commission.

1. ROLL CALL.
2. PLEDGE OF ALLEGIANCE.
3. INVOCATION.
4. THE CITY COMMISSION SITTING AS THE LOCAL PLANNING AGENCY WILL CONSIDER THE FOLLOWING ORDINANCE:

AN ORDINANCE OF THE CITY OF SWEETWATER, FLORIDA, APPROVING/DENYING A SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT FOR THAT CERTAIN PROPERTY IDENTIFIED UNDER FOLIO NUMBER 25-4006-001-0015 ALSO KNOWN AS 10752 SW 5 STREET ("PROPERTY"), CHANGING THE LAND USE CATEGORY FROM MEDIUM MULTI-FAMILY RESIDENTIAL TO MIXED USE RESIDENTIAL/COMMERCIAL.; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE. (FIRST READING) (MAYOR LOPEZ)

5. ADJOURNMENT.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COMMISSION SITTING AS THE LOCAL PLANNING AGENCY WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, HE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. PERSONS WHO NEED AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS MEETING SHOULD CONTACT CITY CLERK CARMEN J. GARCIA AT 221-0411 BY NOON ON THE DAY BEFORE THE MEETING IN ORDER TO REQUEST SUCH ASSISTANCE.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SWEETWATER, FLORIDA, APPROVING/DENYING A SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT FOR THAT CERTAIN PROPERTY IDENTIFIED UNDER FOLIO NUMBER 25-4006-001-0015 ALSO KNOWN AS 10752 SW 5 STREET ("PROPERTY"), CHANGING THE LAND USE CATEGORY FROM MEDIUM MULTI-FAMILY RESIDENTIAL TO MIXED USE RESIDENTIAL/COMMERCIAL.; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Sweetwater, pursuant to Local Government Comprehensive Planning Act, in accordance with all of its terms and provisions, has reviewed the application for San Miguel Investments LTD, proposing an amendment to the Land Use Category in the Future Land Use Map of the City's Comprehensive Plan, changing the land use designation from Medium Multi-Family Residential to Mixed Use Residential/Commercial on the Property which has been first considered by the Planning & Zoning Board on November 30, 2017; and

WHEREAS, the City Commission has been designated as the Local Planning Agency ("LPA") for the City pursuant to Section 163.3174, Florida Statutes, and has held a duly advertised public hearing and recommended approval of the application of San Miguel Investments LTD, to amend the Future Land Use Map of the City's Comprehensive Plan and the LPA on January 8, 2018, at a duly noticed meeting, conducted a hearing on this ordinance, and via the attached Resolution 2018-____ made a recommendation of approval, reviewed by the City Commission; and

WHEREAS, the City Commission of the City of Sweetwater has conducted the duly advertised public hearing required by F.S. 163.3187 for adoption of small scale comprehensive plan amendments and Section 9.07.00 Code of the City of Sweetwater upon the future land use proposed by San Miguel Investments LTD and has considered all comments received concerning the proposed amendment as required by State law and local ordinances; and

WHEREAS, the City Commission has reviewed City staff report, incorporated herein, which contains data and analysis addressing the proposed land use category amendment, the recommendations of the Planning & Zoning Board, and the recommendations of the LPA; and

WHEREAS, the City Commission finds that the proposed Future Land Use Map amendment is consistent/inconsistent with the City's Comprehensive Plan as adopted and recommended by City staff; and

WHEREAS, the City Commission of the City of Sweetwater further finds that the proposed amendment to the Comprehensive Plan changing the Land Use Category from Medium Multi-Family Residential to Mixed Use Residential/Commercial on the Property is in the best interest of the residents of the City but does not assure favorable action upon any application for zoning or other land use approval requests.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMISSION OF THE CITY OF SWEETWATER, FLORIDA AS FOLLOWS:

Section 1. Recitals. The above recitals are true, correct and incorporated herein by this reference.

Section 2. Decision. The Commission finds that:

- a. The proposed amendment **meets/does not meet** the criteria to qualify as a small scale amendment in accordance with Section 163.3187, and
- b. Adoption of the small scale amendment **is/is not** in the best interest of the health, safety and welfare of the City's residents and property owners for the Commission to make this change to the FLUM and such change is/is not necessary to provide for the orderly growth of the community; and
- c. The Commission hereby **grants/denies** Applicant's request to amend the FLUM as set forth in Exhibit "A";
- d. The Future Land Use Map of the City's Comprehensive Plan **is/is not** hereby amended by changing the land use designation from Medium Multi-Family Residential to Mixed Use Residential/Commercial for the property located 10752 SW 5 Street.

Section 3. Amendment to Future Land Use Map. In accordance with Section 163.3187, Florida Statutes, if the proposed change is made by the City Commission, the Zoning Director is further authorized to make the necessary changes as required to the Future Land Use Map of the City's Comprehensive Plan to reflect the above stated change, to send copies of the hearings and ordinance containing the amendment to the state land planning agency, and any other person or entity requesting a copy.

Section 4. Effective Date. In accordance with the requirements of Section 163.3187, Florida Statutes, this ordinance shall become effect thirty-one (31) days after adoption. However, if challenged within thirty (30) days after adoption, this ordinance shall not become effective until the State land planning agency issues a final order determining this ordinance is in compliance.

Section 5. Conflicts. Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted Ordinance or Statute, the most restrictive shall apply.

Section 6. Severability. If any one of the provisions of this ordinance should be held contrary to any express provision of law or contrary to the policy of express law, although not expressly prohibited, or against public policy, or shall for any reason whatsoever be held as invalid, then such provision shall be null and void and shall be deemed separate from the remaining provisions of this ordinance, and shall in no way affect the validity of all other provisions of this ordinance.

PASSED on first reading this ____ day of _____, 2018.

PASSED AND ADOPTED on second reading this ____ day of _____, 2018.

ORLANDO LOPEZ, MAYOR

IDANIA LLANIO
COMMISSION PRESIDENT

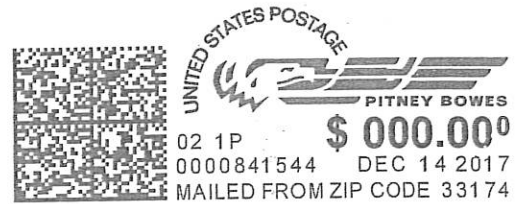
ATTEST:

CARMEN GARCIA, CITY CLERK

LYNN M. DANNHEISSER , SPECIAL LAND USE COUNSEL, FOR AND ON BEHALF OF THE CITY
ATTORNEY

VOTE UPON ADOPTION:

JONIEL DIAZ, COMMISSION VICE PRESIDENT
PRISCA BARRETO, COMMISSIONER
DAVID BORRERO, COMMISSIONER
MANUEL DUASSO, COMMISSIONER
CECILIA HOLTZ-ALONSO, COMMISSIONER
MARCOS VILLANUEVA, COMMISSIONER



NOTICE OF PUBLIC HEARING

HEARING NO.: 2017-010

APPLICANT: San Miguel Investments, LTD.

LOCATION: 10752 SW 5 St

LEGAL DESCRIPTION: Lots 6 to 12 inc N1/2 of Blk 1 Sweetwater Groves PB 8-50

SIZE OF PROPERTY: 0.80 ± acres

REQUEST: The Applicant is requesting a small scale development amendment to the City's Comprehensive Plan, Future Land Use Map (FLUM) from Medium Multi-family Residential to Mixed Use Residential / Commercial.

A PUBLIC HEARING WILL BE HEARD IN SWEET WATER CITY HALL COMMISSION CHAMBERS, 500 SW 109 AVENUE, SWEETWATER, FLORIDA, ON:

MONDAY, JANUARY 8 2018 AT 8:00PM.

OBJECTIONS AND WAIVERS OF OBJECTIONS MAY BE MADE IN PERSON AT THE HEARING OR FILED IN WRITING PRIOR TO THE HEARING DATE, IF FURTHER INFORMATION IS DESIRED, CALL 305-221-0411.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, HE/SHE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED (SEC.286.0105, FLORIDA STATUTES).

PERSONS WHO NEED ACCOMODATION IN ORDER TO ATTEND OR PARTICIPATE IN THIS MEETING SHOULD CONTACT CITY CLERK'S OFFICE AT 305-221-0411 BY NOON THE MONDAY PRIOR TO THE MEETING IN ORDER TO REQUEST SUCH ASSISTANCE. (AMERICAN WITH DISABILITIES ACT).



MEMORANDUM

TO: Mayor and City Commissioners

FROM: Jorge L. Vera
Zoning Official

REF: Application 2017- 0010

DATE: November 18, 2017

Applicant: San Miguel Investments, LTD.

Folio Number: 25-4006-001-0015.

Legal Description: Lots 6, 7, 8, 9, 10, 11, and 12 of Block 1 Sweetwater Groves PB 8-50

Request: Small-Scale Comprehensive Master Plan amendment requesting a change in the land use designation on the property from Medium Multi-family Residential to Mixed Use Residential/Commercial.

Location: South side of SW 5 Street and East of SW 108 Avenue

Size: Approximately 0.80 acres.

Application Site

The Applicant owns a total of 12 lots fronting on SW 5 St on the North and between SW 107 Ave and SW 108 Ave travelling east to west. The Future Land Use Map (FLUM) of City's Comprehensive Master Plan designates lot 1 thru 5 on the east of the subject property are designated Mixed Use Residential/Commercial in the FLUM (as part of University City). Lots 6 thru 12 are designated in the Future Land Use Map (FLUM) of City's Comprehensive Master Plan as Medium Multifamily Residential. The Applicant is petitioning to amend the FLUM to be able to consolidate all 12 lots under the Mixed Use Residential/Commercial ostensibly to develop student housing. Since the subject property is less than 10 acres in size, it is treated as a "small scale land use amendment" under Chapter 163, Florida Statutes; and therefore, is not subject to state review.

ADJACENT LAND USE SUMMARY			
Adjacent Uses	Existing Uses	Future Land Uses	Zoning
North	Multi family	Medium multifamily residential	High density multifamily residential RM24
South	Multi family	Medium multifamily residential	High density multifamily residential RM24
East	Multi- family	Mixed use residential/ commercial	University City
West	Multi family	Medium multifamily residential	High density multifamily residential RM24

The subject property, lots 6 thru 12 are currently occupied with several multifamily residences which total 20 units on approximately 0.80 acres. This fact is an essential basis for my conclusion to that changing the land use designation to make it more intense both in terms of density and height will have serious adverse impacts on the balance of the surrounding properties. Directly abutting the subject property to the south are 6 individual residential multifamily lots each having between 2 to 6 units, for a total of 16 units. To the north of the subject property across SW 5 Street there is an existing 100 unit elderly housing community. To the west across SW 108 Avenue these properties are also individual lots having between 2 to 6 units each. Overall these sites have a maximum permitted density of **25 units** per gross acre. The proposed amendment to the comprehensive master plan would permit up to **210** units per acre. Additionally if the land is redesignated it would further allow a development with a maximum of 15 stories under the land development regulations, which would more than double the current permitted height of 6 stories in the area. This would clearly be out of harmony with the current Comprehensive Master Planning.

Staff Analysis

In analyzing the Applicant's request, the City must consider the City's statement of policy and view of its future land use plan as set forth in the Comprehensive Master Plan. Specifically, Staff in examining this particular application must relate it to the whole of the plan, and be certain granting the request would not create internal inconsistencies with the existing plan,

such that granting the request will not conflict with the existing goals policies and objectives of the plan including compatibility with surrounding land uses pursuant to Florida Statutes.

In their letter of intent the Applicant made note that the City Commission approved a similar land use request on another parcel abutting the University City area. This is true but Staff analyzes each application individually and on its own merits. In staff's opinion, the previous approval mentioned by the Applicant differs in a couple of significant ways from the proposed land use amendment requested under this application.

First, the property under the previous approval encompassed an entire city block. The property under this application covers only the north half of the block between SW 107 Ave and SW 108 Ave. If the land designation change is permitted, the south half of the block would have a completely different designation in violation of every principal of good planning.

Second, any development on the previous approval would have relatively little direct impact on any abutting properties directly. It was a singular isolated parcel consisting of a complete block, abutting the university district on its east, and otherwise separated from all other properties by a canal and roads. Staff noted in its recommendations "that the change, if approved would create a defined boundary and buffer from lower density areas to the west." The property under this application is in the midst of, and completely surrounded by, all residentially designated properties except to the east. On the issue of setback buffer, one could argue the adjoining right of ways would create some setback buffer to the north and west. However, there is no buffer relief to the properties directly abutting it to the south. This and the encroachment into land use designations of lesser density and height create the incompatibility and internal inconsistencies in the Comprehensive Master Plan that are discussed further below.

Consistency and Compatibility Analysis

This proposed land use amendment is inconsistent with the some of the goals, objectives, and policies of the city's comprehensive master plan as it relates to the future land use element and the compatibility with adjacent and surrounding areas. Specifically:

- (a) The requested amendment fails to address the performance standard under **Policy 1.4 and 6.2** of the comprehensive master plan which requires buffering and open space from incompatible land uses. The proposed land use amendment does not provide buffering from the existing land use designation directly south of the subject site or any type of transitional land uses. This contravenes proper planning principles in addition to the CMP own policies.
- (b) Under **Policy 4.1**, the comprehensive master plan encourages re-development along several corridors in a way that minimizes traffic hazards and is pedestrian friendly. First, the subject property under this application is clearly **not** within one of the corridors listed under this policy. Applicant may argue and staff recognizes the subject site may become part of an overall development site, including the property to the east which is located along one of these corridors. However, it is that very consolidation and re-designation to Mixed Use Residential

/Commercial land use designation to the east, that might possibly resolve the roadway issue, that concomitantly creates a serious encroachment into the existing Medium Multifamily Residential land use designation, rendering it incompatible with the abutting property to the south and resulting in a material change in the density and intensity of use in the area. This will be in conflict with the uses and a clear departure from the established pattern of use already in-place in the immediate vicinity.

- (c) Finally, for the foregoing reasons, this application will also violate Objective 2 of the CMP which states that future and redevelopment activities shall be directed in appropriate areas as depicted in the FLUM "consistent with sound planning policies, minimal natural limitations, the goals, policies, and objectives contained in the plan and the desired community character.

Staff Recommendation

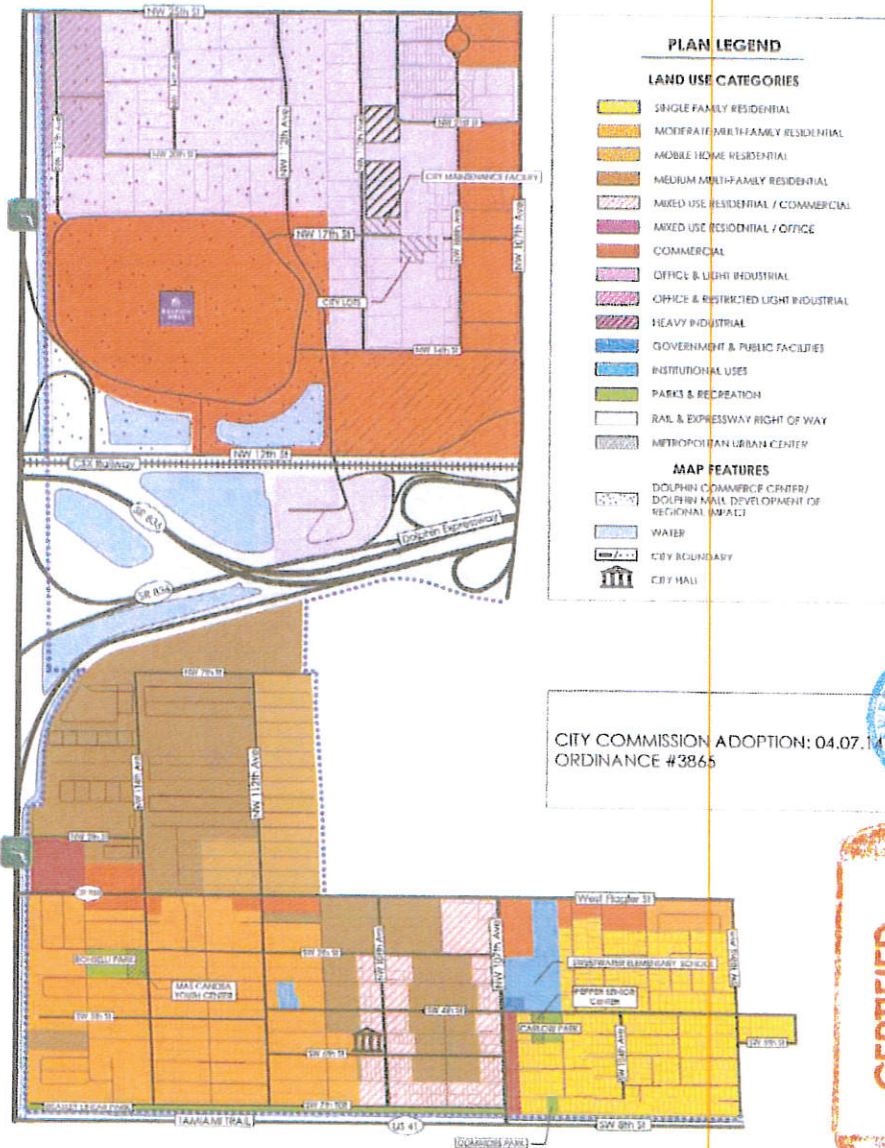
If the Commission believes it would be in the best interest of the City to expand the university city area in general to include additional lands and/or to expand the Mixed Use Residential/Commercial land use designation, it is perhaps best achieved by conducting the necessary and proper studies and overall evaluation and to review as a Commission policy decision. This would result in more sound planning and a more orderly amendment to the overall Comprehensive Master Plan, not internally inconsistent with the current Comprehensive Master Plan.

As it relates to this application, however, the proposed land use amendment **is inconsistent** with the goals, objectives and policies of the city's comprehensive development master plan. As such, staff recommends **denial** of the small scale master plan amendment. [Underline for them]



FUTURE LAND USE PLAN
CITY OF SWEETWATER, FLORIDA

EXHIBIT 1



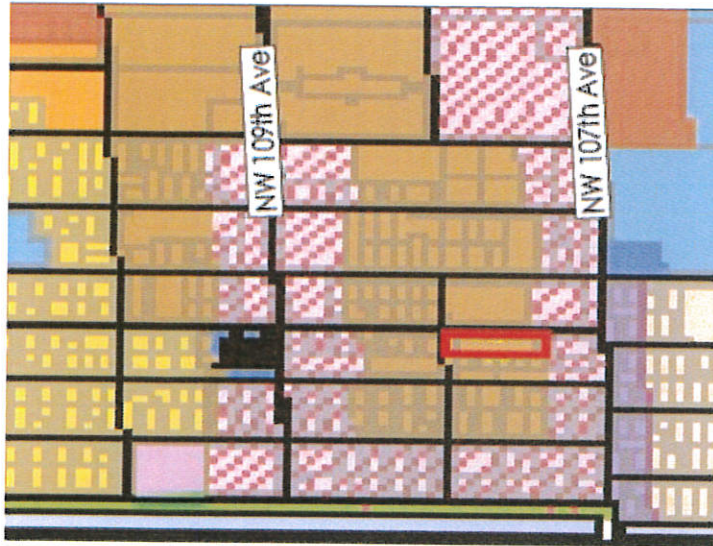
ILER
PLANNING

LAST REVISED
APRIL 7, 2014

0 1/4 1/2 3/4
SCALE IN MILES

NORTH ↑

Land Use Map



Aerial Map



Mykelando Drills - LS 4312
Professional Land Surveyor
Marion State of Florida

City of Sweetwater
Planning and Zoning Board Decision

HEARING NO.: 2017-010

APPLICANT: San Miguel Investments, LTD.

LOCATION: 10752 SW 5 St

LEGAL DESCRIPTION: Lots 6 to 12 inc N1/2 of Blk 1 Sweetwater Groves PB 8-50

SIZE OF PROPERTY: 0.80 ± acres

REQUEST: The Applicant is requesting a small scale development amendment to the City's Comprehensive Plan, Future Land Use Map (FLUM) from Medium Multi-family Residential to Mixed Use Residential / Commercial.

DECISION: GRANTED ☒ DENIED ☐ MOVED TO COMMISSION ☒

RECOMMENDATION TO CITY COMMISSION:

*approval, move to commission
4 to 1, chairperson Suarez opposed*

CONDITION OF APPROVAL:

Edna M. Suarez 11/30/17
CHAIRPERSON



P. 305.594.2877
F. 305.594.2878



2017-010

The Lasarte Law Firm
3250 N.E. First Avenue
Suite 334
Miami, FL 33137
www.lasartelaw.com
Felix M. Lasarte, Esq.
felix@lasartelaw.com

September 18, 2017

VIA E-MAIL & HAND DELIVERED

Mr. Manny Salazar
Building and Zoning Department
1701 NW 112th Avenue, #102
Sweetwater, FL 33174
msalazar@cityofsweetwater.fl.gov

**Re: Comprehensive Plan Amendment Application / Supplemental Analysis /
Property Located at 10752 SW 5th Street, FL**

Dear Mr. Salazar:

Please accept this correspondence on behalf of Service First Management Group I, Inc., (the "Contract Purchaser") as a Supplemental Analysis in support of its Letter of Intent and Application requesting the re-designation from "Medium Multi-Family Residential" to "Mixed Use Residential/Commercial" in connection with a hearing application (the "Application") for a comprehensive plan amendment at the above referenced property (the "Property").

The Property consists of 0.8 acres and is currently zoned RM-24. The Property is in relative proximity to Florida International University and would serve its nearly sixty thousand (60,000) students, staff, and faculty. The abutting parcels, East of the Property (Folio No. 25-4006-001-0014 and No. 25-4006-001-0010) are owned by the same and are designated University City. The table below provides the existing use and future land use designation of the properties surrounding the Property. As can be observed, the change in designation from "Medium Multi-Family Residential" to "Mixed Use Residential/Commercial" is less impacting than the recently approved change in designation granted to Collegiate City II, LLC, which was "Moderate Multi-Family Residential" to "Mixed Use Residential/Commercial."

LAND USE SUMMARY OF ADJACENT PROPERTIES	
Existing Uses	
NORTH	Multifamily
SOUTH	Multifamily
EAST	Mixed Use Residential/Commercial
WEST	Multifamily
Future Land Uses	
NORTH	Medium Multifamily Residential
SOUTH	Medium Multifamily Residential
EAST	Mixed Use Residential/Commercial
WEST	Medium Multifamily Residential

Project



The Applicant offers a development unmatched in its scope providing student housing to undergraduate and graduate students, faculty, and staff. The Project will complement the surrounding neighborhood with its first-class design, materials, and architecture. The bar is being raised for student accommodations and this proposed development does not disappoint. The proposed development contemplates 60 graduate units and 86 undergraduate units.

Analysis

This land use amendment request and its expected approval are consistent with the goals, objectives, and policies of Sweetwater's Comprehensive Master Plan. **Objective 2** of the Future Land Use Element (FLUE) provides that "[f]uture development and redevelopment activities shall be directed in appropriate areas as depicted on the Future Land Use Map, consistent with sound planning principles, minimal natural limitations, the goals, objectives and policies contained within this plan, and the desired community character". The proposed development will comply with Objective 2 by utilizing world-class urban design elements with architectural innovation resulting in an aesthetically pleasing project designed in harmony with the character of the surrounding properties.

In compliance with Policies 2.3 and 2.4 of the City's FLUE, dealing with adequate off-street parking, the proposed development will provide parking in excess of what is legally required to accommodate the operational demands of the residential and commercial components of the project. Bicycle parking racks and spaces for scooters, will be provided to promote alternatives to car-intensive uses. It is also important to note that the proposed development is immediately adjacent to a mixed-use corridor (107th Avenue). This project will have a positive impact on the growing University City District through the payment of required impact and concurrency fees in addition to the increase in ad valorem revenue. All the previously-mentioned revenue streams will be critical to carry out the ambitious vision of a bicycling, walking, transit-oriented community.

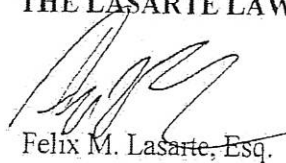
Objective 4 of the FLUE provides that "[t]he economic base shall be increased and broadened through planning and development activities. Specifically, Policy 4.1 encourages redevelopment in a way that minimizes traffic hazards and is pedestrian friendly. This development is ideally located as shown by Exhibit "A" which illustrates the proximity between the Property and FIU's main campus and its Engineering Campus. This land use change requests in addition to the project's location and design, encourages a land use solution that promotes the vision of the University City District, promotes pedestrianism, enhances the quality of life of the

surrounding area, and allows for growth in a deliberate and thoughtful manner adding to Sweetwater rapid yet responsible growth.

We look forward to your favorable consideration of this analysis and our application. Thank you in advance for your considerate attention to this matter. As always, should you have any questions regarding this request, please contact our office.

Sincerely,

THE LASARTE LAW FIRM

A handwritten signature in black ink, appearing to read 'F. Lasarte', is written over the printed name.

Felix M. Lasarte, Esq.

FML/bf
Enclosures

EXHIBIT "A"



Subject Property



Distance from UC Northernmost point to FIU Main ± 2800 ft

Distance from San Miguel Project to FIU Main ± 1150 ft

Distance from San Miguel Project to FIU Eng. ± 1650 ft



The
Lasarte
LAW FIRM

P. 305.594.2877
F. 305.594.2878

The Lasarte Law Firm
3250 N.E. First Avenue
Suite 334
Miami, FL 33137
www.lasartelaw.com

Felix M. Lasarte, Esq.
felix@lasartelaw.com

August 21, 2017

VIA HAND DELIVERY

Mr. Manny Salazar
Building and Zoning Department
1701 NW 112th Avenue, #102
Sweetwater, FL 33174
msalazar@cityofsweetwater.fl.gov

Re: Letter of Instruction pertaining to Comprehensive Plan Amendment
Application and Zoning Hearing Application / Property Located at 10752
SW 5th Street, FL / Folio No. Folio: 25-4006-001-0015

Dear Mr. Salazar:

On July 14, 2017, our office filed on behalf of Service First Management Group I, Inc., (the "Applicant") a Small Scale Comprehensive Plan Amendment Application and a Zoning Hearing Application regarding the above-referenced property (the "Property") to permit the development of student housing. Although similar applications are generally processed in parallel tracks, this Letter of Instruction is provided to indicate the Applicant's desire to move forward with the Small Scale Comprehensive Plan Amendment Application as a stand-alone application. As the Small Scale Comprehensive Plan Application is processed, we request that the Zoning Hearing Application is placed on hold until otherwise requested.

Thank you in advance for your considerate attention to this matter. As always, should you have any questions regarding this request, please contact our office.

Sincerely,

THE LASARTE LAW FIRM

Felix M. Lasarte, Esq.

FML/bf



The
Lasarte
LAW FIRM

2015-04-10
10:00 AM

The Lasarte Law Firm
2500 N. First Avenue
Suite 200
Miami, FL 33132
www.lasartelaw.com

Felix M. Lasarte, Esq.
felix@lasartelaw.com

July 14, 2017

VIA HAND DELIVERY

Mr. Manny Salazar
Building and Zoning Department
1701 NW 112th Avenue, #102
Sweetwater, FL 33174
msalazar@cityofsweetwater.fl.gov

**Re: Comprehensive Plan Amendment Application / Letter of Intent / Property
Located at 10752 SW 5th Street, FL / Folio No. Folio: 25-4006-001-0015**

Dear Mr. Salazar:

Please accept this as the letter of intent on behalf of Service First Management Group I, Inc., (the "Contract Purchaser") in connection with a hearing application (the "Application") for a comprehensive plan amendment at the above referenced property (the "Property"). The Contract Purchaser requests the re-designation from "Medium Multi-Family Residential" to "Mixed Use Residential/Commercial" for the Property that is subject to this Application and the Contract Purchaser intends to develop student housing. The Property consists of 0.8 acres and is currently zoned RM-24.


The Property is in close proximity to Florida International University and would serve its nearly sixty thousand (60,000) students. The abutting parcels, east of the Property (Folio No. 25-4006-001-0014 and No. 25-4006-001-0010) are owned by the same and are designated University City. The proposed rezoning will allow the Contract Purchaser to develop this parcel of land, together with the abutting parcels, with a project that will include housing for undergraduates and graduates. The proposed development contemplates 60 graduate units and 86 undergraduate units.

The need for off-campus residential housing is at an all-time high, as the market increases tuition and housing becomes scarcer. The City of Sweetwater is the latest target in a rapidly growing sector, as Florida International University strives to become a national research university. The bar is being raised for student accommodations and this proposed development does not disappoint.

We look forward to your favorable consideration of our application. Thank you in advance for your considerate attention to this matter. As always, should you have any questions regarding this request, please contact our office.

Sincerely,

THE LASARTE LAW FIRM



Felix M. Lasarte, Esq.

FML/bf
Enclosures



2017-0010
RECEIVED JUL 14 2017

Sec. _____ Twp. _____ Range _____

Date Received. _____

**ZONING HEARING AND SITE PLAN REVIEW APPLICATION
CITY OF SWEETWATER
BUILDING AND ZONING DEPARTMENT**

LIST ALL FOLIO NUMBER

25-4006-001-0015

1. NAME OF APPLICANT (Owner(s) of record of the property or lessee. If applicant is a lessee, an executed Owner's Sworn-to-Consent and copy of a valid lease for 1 year or more is required. If the applicant is a corporation, trust, partnership, or like entity, a 'Disclosure of Interest' is required).

San Miguel Investments, LTD., Miguel A. Arias, Isel Arias

2. APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER, E-MAIL:

Mailing Address: 3157 S.W. 111 Avenue

City: Miami State: FL Zip: 33165

Phone# _____ Fax# _____ E-mail: _____

3. OWNER'S NAME, MAILING ADDRESS, TELEPHONE NUMBER:

Owner's Name (Provide name of ALL owners): San Miguel Investments, LTD; Miguel A. Arias; Isel Arias

Mailing

Address 3157 S.W. 111 Avenue

City: Miami State: FL Zip Code: 33165

4. CONTACT PERSON'S INFORMATION:

Name: Company: Felix M. Lasarte, Esq.

Mailing Address: 3250 N.E. 1st Avenue, Suite 334

City: Miami State: FL Zip Code: 33137

Phone# (305) 594-2877 Fax# _____ E-mail: felix@lasartelaw.com

5. LEGAL DESCRIPTION OF ALL PROPERTY COVERED BY THE APPLICATION

(Provide complete legal description, i.e., lot, block, subdivision name, plat book & page number, or metes and bounds. Include section, township, and range. If the application contains multiple rezoning requests, a legal description for each requested zone must be provided. Attach separate sheets as needed and clearly label (identify) each legal description attached. In addition to paper version it is requested that lengthy metes and bounds descriptions be provided on CD in Microsoft Word.)

See Attached Exhibit "A"

6. ADDRESS OR LOCATION OF PROPERTY (For location, use description such as NE corner of, etc.)

10752 S.W. 5th Street
Miami, FL 33174

7. SIZE OF PROPERTY 35,000 ft x _____ ft (in acres): _____
(divide total sq. ft. by 43,560 to obtain acreage)

8. DATE property X acquired _____ leased: December, 1999 (month & year)

9. Lease term: _____ years

10. IS CONTIGUOUS PROPERTY OWNED BY THE SUBJECT PROPERTY OWNER(S)?

 X If yes, provide complete legal description of said contiguous property:

See Attached Exhibit "B"

11. Is there an option to purchase X **or lease** _____ **the subject property or property contiguous thereto?**
no _____ yes X (If yes, identify potential purchaser or lessée and complete 'Disclosure of Interest' form)
Service First Management Group I, Inc.

12. PRESENT ZONING CLASSIFICATION:

RM24

13. APPLICATION REQUESTS (Check all that apply and describe nature of the request in space provided)

_____ District Boundary (zone) Changes [Zone(s) requested]: UC
(Provide a separate legal description for each zone requested)

_____ Unusual Use: _____

_____ Use Variance: _____

_____ Non-Use Variance: _____

_____ Site Plan Review: _____

_____ Conditional Use: _____

 X Comprehensive Master Plan Amendment: _____

_____ Other: _____

14. Has a public hearing been held on this property within the last year & a half? No X Yes ____
If yes, provide applicant's name, date, purpose and result of hearing, and resolution number:

15. Is this application a result of a violation notice? no X yes ____ If yes, give name to whom the violation notice was served: and describe the violation:

16. Describe structures on the property:

Two Story CBS Building

17. Is there any existing use on the property? No ____ yes X If yes, what use and when established?
Use: Residential Year: 1999

EXHIBIT "A"

Lot 5, in Block 1, of Sweetwater Groves, according to the plat thereof, as recorded in Plat Book 8, at Page 50, of the Public Records of Miami-Dade County, Florida.

Lots 6, 7, 8, 9, 10, 11, and 12, in Block 1, of Sweetwater Groves, according to the Plat thereof, as recorded in Plat Book 8, at Page 50, of the Public Records of Miami-Dade County, Florida.

EXHIBIT "B"

Lots 1, 2, 3, and 4, less the East 10 feet for right-of-way, in Block 1, of Sweetwater Groves, according to the Plat thereof, as recorded in Plat Book 8, at Page 50, of the Public Records of Miami-Dade County, Florida.

Corporation

City Of Sweetwater Ownership Affidavit

State of Florida

>

County of Dade

I, JOSE M. REVUE (being duly sworn, depose and say that I am the
PARTNER/PRESIDENT (office held) of SAN MIGUEL INVESTMENTS, LTD (name of corp.),
and I have affixed the official corporate seal hereto, and to represent that the above-named
corporation is the legal owner of record of the property which is the subject of the proposed
public hearing.

THIS AFFIDAVIT IS SUBJECT TO PENALTIES OF LAW FOR PERJURY AND TO
POSSIBLE VOIDING OF ANY ZONING ACTION GRANTED AT A PUBLIC HEARING.

SAN MIGUEL INVESTMENTS,
(Name of Corporation)

By: Jose M. Revue

[Corporate Seal]

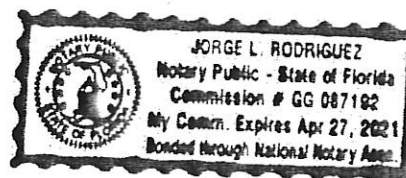
The foregoing instrument was acknowledge before me this 16 day of MAY,
20 17 by JOSE M. REVUE as PARTNER/PRESIDENT of SAN MIGUEL INVESTMENTS LTD
who is personally known to me or who has produced FLORIDA FIRE CARD as identification
and who did take an oath.

Jorge L. Rodriguez
NOTARY PUBLIC

My Commission Expires:

04/27/2021

Print Name: Jorge L. Rodriguez



DISCLOSURE OF INTEREST*

If a CORPORATION owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: _____

NAME AND ADDRESS	Percentage of Stock
_____	_____
_____	_____
_____	_____
_____	_____

If a TRUST or ESTATE owns or leases the subject property, list the trust beneficiaries and the percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME: _____

NAME AND ADDRESS	Percentage of Interest
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If a PARTNERSHIP owns or leases the subject property, list the principals including general and limited partners. [Note: Where the partner(s) consist of another partnership(s), corporation(s), trust (s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

NAME AND ADDRESS	Percentage of Ownership
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If there is a **CONTRACT FOR PURCHASE**, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

NAME OF PURCHASER: SERVICE FIRST MANAGEMENT GROUP I, INC.

NAME, ADDRESS AND OFFICE (if applicable)

Oded Meltzer

6431 Cowpen Road

Miami Lakes, FL 33014

Percentage of Interest

100%

Date of contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust.

NAME AND ADDRESS

San Miguel Investments, Ltd.

Miguel A. Arias

Isel Arias

10752 S.W. 5th Street

Miami, FL 33174

Percentage of Ownership

100%

NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature Jose M. Revuelta JOSE M. REVUELTA
(Applicant) (Print Applicant name)

Sworn to and subscribed before me this 26 day of July, 2017
Affiant is personally known to me or has produced FL Driver License as
identification Laura Laine
(Notary Public)

My commission expires: 11/18/2019

 Laura Laine
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF937267
Expires 11/18/2019

*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

APPLICANT'S AFFIDAVIT

The Undersigned, first being duly sworn depose that all answers to the questions in this application, and all supplementary documents made a part of the application are honest and true to the best of (my)(our) knowledge and belief. (I)(We) understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

OWNER OR TENANT AFFIDAVIT

(I)(WE), JACK D. REVUELTA, SAN MIGUEL INVESTMENTS, being first duly sworn, depose and say that (I am) (we are) the owner of the property described and which is the subject matter of the proposed hearing.



NOTARY PUBLIC
STATE OF FLORIDA

Authorized Signature

Sworn to and subscribed to before me Notary Public, this 26 day of July, 20 17

Notary Public

SEAL

My Commission Expires: 11/18/2019

CORPORATION AFFIDAVIT

(I)(WE) SERVICE FIRST MANAGEMENT GROUP, INC., being first duly sworn, depose and say that (I am)(we are) the X President Vice-President Secretary Assl. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; and that said corporation is the D owner D tenant of the property described Herein and which is the subject matter of the proposed hearing.

Attest:



Authorized Signature

Office Held

Sworn to and subscribed to before me Notary Public, this 25 day of JULY, 20 17

Notary Public

SEAL

My Commission Expires: 5/22/2020

PARTNERSHIP AFFIDAVIT

(I)(WE), , being first duly sworn, depose and say that (I am)(we are) partners of the aforesaid partnership, and as such, have been authorized to file this application for a public hearing; and that said partnership is the D owner D tenant of the property described herein which is the subject matter of the proposed hearing.

By % (Name of Partnership)
By %
By %

Sworn to and subscribed to before me Notary Public, this day of , 20

Notary Public

SEAL

My Commission Expires:

ATTORNEY AFFIDAVIT

 , being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am the Attorney for the Owner of the property described and which is the subject matter of the proposed hearing.

Signature

Sworn to and subscribed to before me Notary Public this day of , 20

My Commission Expires:

SEAL

P.H.# _____

Owner's Sworn-to-Consent
Permitting Contract Purchaser to File for a Hearing
(Partnership)

On behalf of SAN MIGUEL INVESTMENTS, LTD., a Florida limited partnership, being first duly sworn, deposes and says that as the President, Vice-President, or CEO (circle one) of the aforesaid Corporation, which is the Owner of the property legally described below and which is the subject property of the proposed hearing, does hereby grant consent to SERVICE FIRST MANAGEMENT GROUP I, INC., as Contract Purchaser to file this application for a public hearing. Legal Description:

Legal Description:

Lot 5, in Block 1, of Sweetwater Groves, according to the plat thereof, as recorded in Plat Book 8, at Page 50, of the Public Records of Miami-Dade County, Florida

Lots 6, 7, 8, 9, 10, 11, and 12, in Block 1, of Sweetwater Groves, according to the Plat thereof, as recorded in Plat Book 8, at Page 50, of the Public Records of Miami-Dade County, Florida.

WITNESSES:

[Signature]
Signature
Gregory P. Clement
Print Name
[Signature]
Signature
KRISTINE J. CATALANO
Print Name

[Signature]
SAN MIGUEL INVESTMENTS, LTD.
Name of Corporation
Address:

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by Jose M Revelta,
of SAN MIGUEL INVESTMENTS, LTD., a _____, He/she is personally
known to me or has produced FL Identification Card as identification.

Witness my signature and official seal this 26 day of July, 2017, in the County
and State aforesaid.



Laura Laine
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF937267
Expires 11/18/2019

[Signature]
Notary Public - State of Florida
Print Name: Laura Laine

My Commission Expires: 11/18/2019

ACKNOWLEDGEMENT BY APPLICANT

1. City of Sweetwater Public Works Department, Environmental Resources Management (DERM), and other County agencies review and critique zoning hearing applications which may affect the scheduling and outcome of my hearing. These reviews may require additional hearings before DERM's Environmental Quality Control Board (EQCB), or other County boards, and/or the proffering of agreements to be recorded. I am also aware that I must comply promptly with any DERM or Platting and Traffic conditions and advise this office in writing if my application will be withdrawn.
2. Filing fees may not be the total cost of a hearing. Some requests require notices to be mailed to property owners up to a 300 feet from the subject property and I am responsible for paying and obtaining the mailing labels, the additional radius mailing costs. In addition to mailing costs, I am responsible for additional fees related to application changes, plan revisions, deferrals, re-advertising, etc., that may be incurred. I understand that fees must be paid promptly. Applications withdrawn within 30 days of the filing are eligible for a refund of 50% of the hearing fee but after that time hearings withdrawn or returned will be ineligible for a refund. Refunds must be requested in writing.
3. Applicable Florida Building Code requirements may affect my ability to obtain a building permit even if my zoning application is approved; and a building permit will probably be required. I am responsible for obtaining any required permits and inspections for all structures and additions proposed, or built without permits. And that a Certificate of Use (C.U.) must be obtained for the use of the property after it has been approved at Zoning Hearing. Failure to obtain the required permits and/or C.U., Certificates of Completion (C.C.) or Certificate of Occupancy (C.O.) will result in enforcement action against any occupant and owner. Submittal of the Zoning Hearing application may not forestall enforcement action against the property.
4. The 3rd District Court of Appeal has ruled that zoning applications inconsistent with the Comprehensive Development Master Plan (COMP) should not be approved by a zoning board and the recommendation will be for denial or deferral. Therefore, I acknowledge that if the hearing request is inconsistent with the COMP and I decide to go forward then my hearing request can only be denied or deferred, but not approved. I also understand that I will not be reimbursed any fees paid unless I withdraw within 60 days of filing and then I will receive a 50% refund.
5. Any covenant to be proffered must be submitted to the Department on forms provided by the department, at least 1 month prior to the hearing date. The covenant will be reviewed and the applicant will be notified if changes or corrections are necessary. Once the covenant is acceptable, the applicant is responsible to submit the executed covenant with a current 'Opinion of Title' within 1 week of the hearing. Legal Advisor can advise as to additional requirements applicable to foreign corporations. Documents submitted to the Department must carry a cover letter indicating subject matter, application number and hearing date.

Gloria M. Pimentel
(Applicant's Signature)

(Print Name of Applicant)

Sworn to and subscribed before me on the 26 day of July, 2017.
Affiant is personally known to me or has produced FL Identity Card as
identification.

11/18/2019
My Commission Expires

State of: Florida

(Notary Public's Signature)

Laura Laine

Print Name



Laura Laine
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF937267
Expires 11/18/2019

AFFIDAVIT OF GENERAL PARTNER

I, José M. Revuelta, President of Quality Insurance Service, Inc., a Corporation in the State of Florida and the general partner of San Miguel Investments, Ltd. I am authorized to sign for San Miguel Investments, Ltd., as the President and the general partner of Quality Insurance Service, Inc.

José M. Revuelta

Signature

Managing Partner

Title

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE) SS

Sworn to and subscribed before me this 26 day of July, 2017, by José M. Revuelta who is personally known to me or who has produced FL Identification Card (type of identification).



Laura Laine
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF937267
Expires 11/18/2019

Laura Laine
(Signature of Notary Public)

Laura Laine
(Print, type or stamp name of Notary Public)

My Commission Expires: 11/18/2019

SECOND ADDENDUM

THIS SECOND ADDENDUM entered by and between:

ODED MELTZER ("Purchaser"), and SAN MIGUEL INVESTMENTS LTD. ("Seller")

is part of that certain contract between the parties hereto, for the purchase and sale of Real Property commonly known as:

10710, 10742, 10752 SW 5th Street, Sweetwater, Florida 33174

In addition to the terms and conditions contained in the contract, the parties agree as follows:

1. Parties agree to extend the "Re-zoning Period" for an additional period of 60 days to October 31, 2017.
2. Parties agree to extend the closing date to 30 days after upon rezoning approval but no later than November 30, 2017.
3. Counterpart Original. This document may be signed in counterpart original with the counterparts together being deemed an original instrument. For purposes hereof, facsimile or electronically transmitted signatures shall be deemed original signatures.

IN WITNESS WHEREOF, the parties hereto have executed this Second Addendum on this 26 day of June, 2017.

Seller:

SAN MIGUEL INVESTMENTS LTD.

By: Jose M. Revuelta
Print Name: JOSE M. REVUELTA
Print Title: MANAGING PARTNER
7-26-2017

aksho PMS
July 26/17

Buyer:

Oded Meltzer

City of Sweetwater
Planning and Zoning Board Decision

HEARING NO.: 2017-010

APPLICANT: San Miguel Investments, LTD.

LOCATION: 10752 SW 5 St

LEGAL DESCRIPTION: Lots 6 to 12 inc N1/2 of Blk 1 Sweetwater Groves PB 8-50

SIZE OF PROPERTY: 0.80 ± acres

REQUEST: The Applicant is requesting a small scale development amendment to the City's Comprehensive Plan, Future Land Use Map (FLUM) from Medium Multi-family Residential to Mixed Use Residential / Commercial.

DECISION: GRANTED ☒ DENIED ☐ MOVED TO COMMISSION ☒

RECOMMENDATION TO CITY COMMISSION:

*approval, move to commission
4 to 1, chairperson Suarez opposed*

CONDITION OF APPROVAL:

Edna M. Suarez 11/30/17
CHAIRPERSON